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Attorneys for Epic Games, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 4:20-cv-05640-YGR

**ORDER GRANTING
STIPULATION AND ~~[PROPOSED]~~
~~ORDER~~ REGARDING DOCUMENT
SUBPOENAS TO NON-PARTIES,
AUTHENTICITY AND SERVICE**

APPLE INC.,

Counterclaimant,

v.

EPIC GAMES, INC.,

Counter-defendant.

Judge: Hon. Yvonne Gonzalez Rogers

Pursuant to the Court's order during the October 19, 2020 case management conference, Plaintiff and Counter-defendant Epic Games, Inc. ("Epic") and Defendant and Counterclaimant Apple Inc. ("Apple" and, together with Epic, the "Parties"), by and through their undersigned counsel, hereby agree and stipulate as follows:

Document Subpoenas to Non-Parties. With respect to Fed. R. Civ. P. 45 document subpoenas served in this Action on a non-party, the issuing Party shall request that non-parties simultaneously produce materials to both Epic and Apple. If, notwithstanding such request, the non-party produces the materials to only the issuing Party, the issuing Party shall provide a copy of all materials to the other side within three calendar days after receipt of the materials from the non-party.

-2-

STIPULATION AND ~~[PROPOSED]~~ ORDER RE DOCUMENT SUBPOENAS TO
NON-PARTIES, AUTHENTICITY AND SERVICE

Case No.: 4:20-cv-05640-YGR

Authenticity Presumptions. All documents produced by either Party or by non-parties from the non-parties' files shall be presumed to be authentic within the meaning of Fed. R. Evid. 901. If a Party serves a specific good faith written objection to the authenticity of a particular document, the presumption of authenticity will no longer apply to that document. Any objection to a document's authenticity must be provided with (or prior to) the exchange of objections to trial exhibits. The Parties will promptly meet and confer to attempt to resolve any such objection.

Service. Service of any documents not filed via ECF, including pleadings, discovery requests, subpoenas for testimony or documents, and expert disclosure shall be by email to all attorneys for the receiving Party then appearing on the ECF docket, at the email addresses listed thereon. In the event the volume of served materials is too large for email and requires electronic data transfer by file transfer protocol or a similar technology, or overnight delivery, the serving Party will telephone or email the other side when the materials are sent to provide notice that the materials are being served. For purposes of calculating discovery response times under the Federal Rules of Civil Procedure, electronic delivery shall be treated the same as hand delivery.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: October 22, 2020

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Respectfully submitted,

By: /s/ Gary A. Bornstein
Gary A. Bornstein

Attorneys for Epic Games, Inc.

1 Dated: October 22, 2020

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12 By: /s/ Cynthia E. Richman
13 Cynthia E. Richman

14 *Attorneys for Apple Inc.*

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 DATED: October 27, 2020

17 
18 HON. YVONNE GONZALEZ ROGERS
19 United States District Court Judge

E-FILING ATTESTATION

20 I, Gary A. Bornstein, am the ECF User whose ID and password are being used to
21 file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the
22 signatories identified above has concurred in this filing.

23 /s/ Gary A. Bornstein

24 Gary A. Bornstein